

REMARKS

The Examiner is thanked for the performance of a thorough search. No claims are amended, cancelled, or added. Hence, Claims 1-47 are now pending in the application.

Paragraphs [0115], [0116], [0119], and [0121] in the Specification are amended. No new matter has been introduced.

I. ISSUES NOT RELATING TO PRIOR ART

Claim Rejections - 35 U.S.C. § 101

Claim 44 stands rejected as allegedly presenting non-statutory subject matter under 35 U.S.C. § 101. The rejection is respectfully traversed.

The Office Action contended that the Specification states that computer-readable media includes a carrier wave. By this response, paragraphs [0115], [0116], [0119], and [0121] are amended. In light of these amendments, Applicants respectfully submit that Claim 44 recites statutory subject matter and requests that the rejection under 35 U.S.C. § 101 be removed.

II. ISSUES RELATING TO PRIOR ART

Each of the pending claims as amended recites at least one element that is not disclosed, taught, or otherwise suggested by the cited art, either individually or in combination. Accordingly, the rejections are respectfully traversed.

A. Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *de Silva et al.* (US 6,615,347), hereinafter “*de Silva*”, in view of *England et al.* (U.S. Pat. Pub. No. 2007/0174921), hereinafter “*England*”. Claim 1 recites:

comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate; and

confirming the sender's identity only when the *binary representation of the second security certificate* matches the *binary representation of the first security certificate* for the sender.

(Emphasis added.) In the Office Action, the Examiner has admitted that *de Silva* does not teach or otherwise suggest the features emphasized above.

England also does not teach or otherwise suggest the features emphasized above. First, the “binary” referred to in paragraph [0158] of the *England* reference is an executable binary (“the binaries necessary to execute the process are loaded into the virtual memory space”, *England* [0157]). In other words, the “binary” in *England* is **executable software**, not a binary representation of a security certificate, as recited in Claim 1.

Indeed, the “binaries” in *England* are never compared with other “binaries”. What *England* teaches is comparing a certificate **associated** with an **executable binary** to certificates in a list of approved certificates for verification purposes (*England* [0158]). The certificates in *England* are **associated** with executable binaries, but ***the executable binaries do not represent the certificates in any way*** (rather, the executable binaries represent executable software code). Therefore, *England* does not teach any binary representations of security certificates, and consequently also cannot teach “comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate”.

Accordingly, since neither *de Silva* nor *England*, individually or in combination, teach or otherwise suggest the limitations of comparing binary representations of the entire received digital certificate to an existing digital certificate in memory, Claim 1 is non-obvious over *de Silva* in view of *England*. Applicant respectfully requests reconsideration and withdrawal of Examiner’s obviousness rejection of Claim 1.

B. Independent Claims 18, 32, 44, and 45

Independent Claims 18, 32, 44 and 45 recite features analogous to those provided in amended Claim 1. Since *de Silva* and *England* do not teach or otherwise suggest the limitations of comparing binary representations of the entire received digital certificate to an existing digital certificate in memory, Claims 18, 32, 44 and 45 are patentable over *de Silva* and *England* for the same reasons given above with respect to claim 1. Reconsideration is respectfully requested.

C. Dependent Claims 2-17, 19-31, 33-41, 43, and 47

Claims 2-17, 19-31, 33-41, 43, and 47 stand rejected under 35 U.S.C. § 102(e). Claims 2-17, 19-31, 33-43, and 47 depend directly or indirectly from Claims 1, 18, 32, 44, 45 and therefore include each and every feature recited in independent Claims 1, 18, 32, 44, 45. Accordingly, claims 2-17, 19-31, 33-41, 43, and 47 are allowable for the same reasons given above for claims 1, 18, 32, 44, 45. Reconsideration is respectfully requested.

D. Dependent Claim 42

Claim 42 stands rejected under 35 U.S.C. § 103 (a) as allegedly obvious over *de Silva* in view of US patent application publication US 2003/0037234 to *Fe et al.*

Claim 42 depends from independent Claim 32 and therefore includes each and every feature recited in claim 32. For the reasons given above, claim 32 is patentable over *de Silva* in view of *England*. Further, *Fe et al.* fails to cure the deficiencies of *de Silva* and *England* with respect to the distinguishing features of claim 32—in particular, *Fe et al.* has no description, teaching or suggestion to perform a comparison between binary representations of security certificates. Therefore, any combination of *de Silva*, *England* and *Fe et al.* fails to provide for the complete combination that is recited in claim 42. Reconsideration is respectfully requested.

E. Dependent Claims 46

Dependent Claim 46 provides an additional comparison feature which utilizes the length in memory of the first and second digital certificates to determine whether any changes have occurred.

Claims 46 depends from independent Claim 45 and therefore includes each and every feature recited in Claim 45. Claim 45 recites the same features discussed above for claim 1 and therefore claim 45 is patentable over the cited references for the same reasons given above for claim 1. Accordingly, dependent Claim 46 is patentable over *de Silva* in view of *England* for the same reasons given above for claim 1 and also because the additional features recited in Claim are not found in *de Silva* or *England*.

The Office Action alleged that the feature of utilizing the length in memory of the first and second digital certificates for comparison is disclosed in *England*. However, while *England* discloses the comparison of certificates, it does not disclose **how** this comparison is performed; specifically, there is no teaching in *England* of ***utilizing lengths of certificates for comparison purposes.***

Favorable consideration is respectfully requested.

III. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, the petition for extension of time fee and other applicable fees are submitted concurrently herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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